

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA) Criminal No. 5:20-CR-00243-FPG-MWP
)
)
v.)
)
)
DENNIS NELSON)
)
)
)
)
Defendant.)

SENTENCING MEMORANDUM OF THE UNITED STATES

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, hereby files its sentencing memorandum in the above-captioned case requesting that the Court impose a term of imprisonment of 84 months, consistent with the agreed upon terms of the Rule 11(c)(1)(C) written plea agreement in this case, followed by a three-year term of supervised release and a special assessment of \$300.

I. OVERVIEW

On March 23, 2023, defendant Dennis Nelson (Defendant) pled guilty pursuant to a Rule 11(c)(1)(C) written plea agreement pleading guilty to Counts 1, 3, and 5 of indictment 20-CR-243, which counts charged Defendant with threats by mail, in violation of 18 U.S.C. § 876(c). Count 1 charged Defendant with mailing a letter containing a bomb threat to kill U.S. District Court Judge Thomas J. McAvoy. Count 3 charged Defendant with mailing a letter containing a bomb threat to kill U.S. Congressman Anthony Brindisi. Count 5 charged Defendant with mailing a letter containing a bomb threat to kill U.S. Senator Charles Schumer. At the time all three bomb threat letters were mailed, Defendant was a New York State Department of Corrections inmate. Defendant has been detained in federal custody on a separate threat by mail

federal convictions and sentences (imposed by Judge McAvoy in 2007), with a projected release date in those cases of July 18, 2024. Of note, Defendant has been in continuous federal and/or New York State custody since 1993 (PSR at ¶71). On May 16, 2023, the Probation Department completed its presentence investigation report (“PSR”). Dkt. No. 75. The government has no objection to the facts contained in the PSR. Defendant is scheduled to be sentenced by this Court on July 13, 2023. The government agrees with the maximum penalties described in the PSR. *See* PSR ¶ 94. The government agrees with Probation’s advisory guidelines calculation in the PSR, and that the Defendant is a career offender and that the Defendant’s criminal history category is a VI, as calculated by the Probation Department. *See* PSR ¶¶ 65, 67.

II. CONCLUSION

The government and counsel for Defendant request the Court accept the Rule 11(c)(1)(C) plea agreement in this case and, pursuant to the terms of that plea, impose a sentence of 84 months incarceration followed by a three-year term of supervised release and a \$300 special assessment, which sentence the parties believe to be fair and reasonable in this case. At sentencing, the government is expected to move to dismiss Counts 2, 4, and 6 of the Indictment.

Dated: June 1, 2023

CARLA B. FREEDMAN
United States Attorney

/s/ Carl G. Eurenus
By: _____
Carl G. Eurenus
Assistant United States Attorney
Bar Roll No. 511746